

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

DEVONNE PETAWAY,

Petitioner,

v.

**CASE NO. 2:10-CV-533
JUDGE MARBLEY
MAGISTRATE JUDGE KING**

**WANZA JACKSON, WARDEN,
WARREN CORRECTIONAL INSTITUTION,**

Respondent.

ORDER

On September 22, 2011, the United States Magistrate Judge recommended that the claims asserted in the petition for a writ of habeas corpus be dismissed as either waived or without merit. *Report and Recommendation*, Doc. No. 20. This matter is now before the Court on Petitioner's objections to that recommendation. *Objection*, Doc. No. 24. The Court will consider the matter *de novo*. See 28 U.S.C. §636(b); Fed. R. Civ. P. 72(b).

Petitioner alleges in this action under 28 U.S.C. §2254 that his speedy trial rights were denied him because he was not tried within ninety (90) days as required by Ohio law and that his trial and appellate counsel were ineffective for failing to pursue this issue at trial or on appeal. The Magistrate Judge reasoned that Petitioner procedurally defaulted his first three claims and that his counsel was not effective because the approximate seven month period between petitioner's arrest and trial violated neither Ohio law nor the Sixth Amendment. *Report and Recommendation*. In his objections, Petitioner again raises all the arguments that he presented to the Magistrate Judge.

Pursuant to 28 U.S.C. § 636(b), this Court has conducted a *de novo* review. For the reasons already detailed in the *Report and Recommendation*, this Court likewise concludes that Petitioner's claims fail to warrant federal habeas corpus relief.

Petitioner's *Objection*, Doc. 24, is **DENIED**. The *Report and Recommendation*, Doc. No. 20, is **ADOPTED** and **AFFIRMED**. This action is hereby **DISMISSED**.

The Clerk is **DIRECTED** to enter **FINAL JUDGMENT**.

s/Algenon L. Marbley
ALGENON L. MARBLEY
United States District Judge